

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Wednesday, October 8, 2003 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Mark D. Kinser, Chairman
Charles W. Falwell
Robert O. Burch, Jr.
David O. Harris, Sr.
Jennifer L. Parrish
James A. Hollar
Robert M. Kirby
Anthony R. Orange
Michael D. Redifer

Board members, Robert M. McDowell, Dorothy Wood, William Paulette and Kenneth W. Hart were not present

The following members of DPOR staff were also present during some or the entire meeting:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen O'Neal, Deputy Director, Regulatory Programs
Eric L. Olson, Executive Director, Contractors
James L. Guffey, Deputy Director for Enforcement
Kimberly Freiburger, Regulatory Boards Administrator, Contractors
Sheila Watkins, Administrative Assistant, Contractors
Jennifer Kazzie, Assistant Director, Adjudication
Victoria Traylor, Legal Assistant, Contractors
Wayne Mozingo, Criminal Investigator, Enforcement

Chairman Robert Kinser called the meeting to order at 9:06 a.m. and that a quorum of board members was in attendance.

Call
To Order

A motion was made by Mr. Kirby and seconded by Mr. Falwell that the agenda be approved. The motion passed unanimously. Members voting "Yes" were Falwell, Burch, Hollar, Orange, Kinser, Kirby, Harris, Redifer and Parrish. There were no negative votes.

Approval
of the
Agenda

A motion was made by Mr. Orange and seconded by Mr. Kirby that the minutes of the meeting held August 20, 2003, and the IFF meetings held July 29, August 5, 6, 12, 26 and September 9, 2003 be approved. The motion passed with a unanimous vote. Members voting "Yes" were Falwell, Burch, Hollar, Orange, Kinser, Kirby, Harris, Redifer and Parrish. There were no negative votes.

Approval of
Minutes
Contractor
Board
8/20/03 &
IFF 7/29,
8/5, 6, 12, 26
& 9/9 2003
meetings

Chairman Kinser asked the members of the public whether they had any comments.

Public
Comment
Period

There were no public comments.

In the matter of File Number 2003-03058, Wayne Booze, t/a Designline Remodelers Inc., the board reviewed the **Disciplinary file Record # 2003-03058**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. Wayne Booze and Robert Wise (Attorney) attended the Board meeting and the IFF. Mr. Wise addressed the Board and expressed his opposition to all four counts stating he wished to contest the citations. He requested no violation and no penalty for count 1 and no monetary sanction for count 3 because they did report the officer change to the SCC. Ms. Karen Emroch complainant was present and she addressed the Board voicing her agreement with the hearing officer's summary and recommendation. She also attended the IFF hearing. She shared with the board with the Board the \$7,000.00 she paid for the cleaning of her home was reimbursed to her by Mr. Booze's insurance company. The hearing officer Redifer recused himself and did not vote. Upon a **motion by Mr. Falwell and seconded by Mr. Burch**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Wayne Booze** violated the following sections of its **May 1, 1999 Regulations**: Count 1: 18 VAC 50-22-260(B)(8); Count 2: 18 VAC 50-22-260(B)(6); Count 3: 18 VAC 50-22-220(A); Count 4: 18 VAC 50-22-260(B)(5). The motion passed with a unanimous vote.

**5(1)
File
2002-03058
Designline
Remodelers
Inc.**

Members voting "Yes" were Falwell, Burch, Hollar, Orange, Kinser, Kirby, Harris, and Parrish. There were no negative votes. The motion carried. Upon a motion by **Falwell**, seconded by **Parrish**, the board voted to accept the recommendation for the sanctions with amendments as follows: The Board imposed the following sanctions: Count 1: 18 VAC 50-22-260(B)(8); \$ 250.00; for Count 2: 18 VAC 50-22-260(B)(6); \$1,500.00; Count 3: 18 VAC 50-22-220(A); \$250.00; Count 4: 18 VAC 50-22-260(B)(5); (the Board decreased the monetary penalty from \$2,500.00 to \$1,000.00 as the violation was not sufficient enough to warrant the maximum penalty) \$1,000.00. For a **total fine of \$3,000.00**. The motion passed with a unanimous vote. Members voting "Yes" were Falwell, Burch, Hollar, Orange, Kinser, Kirby, Harris, and Parrish. There were no negative votes. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

In the matter of File Number 2003-03511, Blue Ridge Masonry, Inc. Application for License; Licensing File, the board reviewed the **Record # 2003-03511**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Allen Dudley, Jr., attorney** appeared before the board and voiced his agreement with the hearing officer's recommendation. The hearing officer **Burch** recused himself and did not vote. Upon a motion by **Kirby** seconded by **Falwell** the board voted to accept the recommendation and grant **Blue Ridge Masonry, Inc.** a license. The motion passed with a unanimous vote. Those members voting "Yes" were: Falwell, Harris, Hollar, Parrish, Kinser, Kirby, Redifer and Orange. The motion was carried.

**5 (2)
File
2003-03511
Blue Ridge
Masonry,
Inc. License
Application**

In the matter of File Number 2003-03210, Tommy J. Swiney Application for License; the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Barksdale appeared before the board on behalf of Mr. Swiney voicing his agreement with the hearing officer's recommendation. Mr. Barksdale is the HVAC instructor at the facility where Mr. Swiney is a resident. He requested that the Board provide a license to Mr. Swiney and he shared with the Board that Mr. Swiney was a model student. Mr. Swiney and Mr. Barksdale participated in the IFF by telephone. The hearing officer **Burch** recused himself and did not vote. **Parrish** offered a motion to reject the hearing officer's recommendation and deny the license based on the 37 counts with crimes relating to the practice of contracting and the applicant is incarcerated for 24 years. **Seconded by Kirby. Orange** wants to table the motion until the board gets more information. Mr. Olson and Ms. Ryals addressed the

**5(3)
File
2003-03508
Tommy J
Swiney
License
Application**

board sharing with them that the program offered by the department of corrections is a 4-year program. **Parrish** offered a substitute motion to reject issuing the license due to the applicant having 37 counts including the crime of murder. **Kirby** seconded the motion. The motion passed with a 2 "No" and 6 "Yes" vote. Members voting "No" were **Kinser and Orange**. Members voting "Yes" were: **Falwell, Hollar, Harris, Kirby, Redifer, and Parrish**. The motion carried and the license was not granted.

In the matter of File Number 2003-03482, Mark A Anderson; Application for License; the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Barksdale appeared before the board on behalf of Mr. Anderson voicing his agreement with the hearing officer's recommendation. Mr. Barksdale is the HVAC instructor at the facility where Mr. Anderson is a resident. He requested that the Board provide a license to Mr. Anderson and he shared with the Board that Mr. Anderson was a hard worker and a good student. Mr. Anderson and Mr. Barksdale participated in the IFF by telephone. The hearing officer **Burch** recused himself and did not vote. **Falwell** offered a motion to reject the hearing officer's recommendation and deny the license based on the incarceration the applicant he is not able to prove his worth to society and is unable to function as a productive member of society. The applicant has not been adequately rehabilitated. **Parrish** offered a friendly amendment to include that 2 of the crimes are robbery, which are crimes of moral turpitude. **Kirby** stated that because of the crimes of moral turpitude the applicant has not demonstrated that he is a productive member of society. **Falwell** declined the friendly amendment. **Harris** seconded the original motion. The motion passed with a 2 "No" and 6 "Yes" vote. Members voting "No" were **Kinser and Orange**. Members voting "Yes" were: **Falwell, Hollar, Harris, Kirby, Redifer, and Parrish**. The motion carried and the license was not granted.

5(4)
File
2003-03482
Mark A
Anderson
License
Application

In the matter of File Number 2003-03429, Dennis Craig Kelly, Sr. Application for License; the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Barksdale appeared before the board on behalf of Mr. Kelly voicing his agreement with the hearing officer's recommendation. Mr. Barksdale is the HVAC instructor at the facility where Mr. Kelly is a resident. He requested that the Board provide a license to Mr. Kelly and he shared with the Board that Mr. Kelly was a hard worker and a good student and that he feels the program is designed to prepare the inmates to be productive members of society. Mr. Barksdale said that he believes that successful completion of the program

5(5)
File
2003-03429
Dennis
Craig Kelly,
Sr.
License
Application

will help prepare the inmates for release into society with a marketable skill. Mr. Kelly and Mr. Barksdale participated in the IFF by telephone. The hearing officer **Burch** recused himself and did not vote. **Kirby** offered a motion to reject the hearing officer's recommendation and deny the license based on the application indicating that the applicant has committed 22 crimes some that involve moral turpitude. **Falwell** seconded the motion. The motion passed with a 2 "No" and 6 "Yes" vote. Members voting "No" were **Kinser and Orange**. Members voting "Yes" were: **Falwell, Hollar, Harris, Kirby, Redifer, and Parrish**. The motion carried and the license was not granted.

In the matter of File Number 2003-03507, Michael T. Hoerter t/a Do Right Contracting; Application for License, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Hoerter appeared before the board voicing his agreement with the hearing officer's recommendation. The hearing officer **Burch** recused himself and did not vote. **Falwell** offered a motion to accept the hearing officer's recommendation and grant the license. **Kirby** seconded the motion. The motion passed with a unanimous "Yes" votes. Members voting were: **Kinser, Orange, Falwell, Hollar, Harris, Kirby, Redifer, and Parrish**. The motion carried and the license was granted.

5(6)
File
2003-03507
**Michael T.
Hoerter
License
Application**

In the matter of File Number 2003-03431, Stephen M Corbett; Application for License, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Corbett and Mr. James Blake Caravati appeared before the board. Mr. Corbett shared with the board his concerns with having to report to the Board for a period of ten years. He shared that he is enrolled in an AA program and is seeing a counselor on a monthly basis. He's been out of prison for 9 years and has not had any problems with the law. Mr. Caravati reiterated Mr. Corbett's statements and also asked the board to grant Mr. Corbett's license and to reduce the reporting time from a ten-year period to a more reasonable period of time. The hearing officer **Burch** recused himself and did not vote. **Orange** offered a motion to accept the hearing officer's recommendation and grant the license amending the recommendation to reduce the reporting time from ten years to a two-year period on a quarterly basis. **Falwell** seconded the motion. The motion passed with 7 "Yes" and 1 "No" votes. Members voting "Yes" were: **Kinser, Orange, Falwell, Hollar, Harris, Redifer, and Parrish**. **Kirby** cast the "no" vote. The motion carried and the license was granted.

5(7)
File
2003-03431
**Stephen M
Corbett
License
Application**

In the matter of File Number 2003-02501, Thomas E King; Application for License, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. King attended the IFF and appeared before the board. Mr. King shared his agreement with the hearing officer's summary and recommendation. The hearing officer **Falwell** recused himself and did not vote. **Orange** offered a motion to accept the hearing officer's recommendation and grant the license. **Hollar** seconded the motion. The motion passed with a unanimous "Yes" vote. Members voting were: **Kinser, Burch, Orange, Kirby, Hollar, Harris, Redifer, and Parrish**. The motion carried and the license was granted.

5(8)
File
2003-02501
Thomas E
King
License
Application

In the matter of File Number 2003-03213, Glenn Lilly t/a Shenandoah Home Improvements, Inc.; Application for License, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Lilly attended the IFF and appeared before the board. Mr. Lilly shared his agreement with the hearing officer's summary and recommendation. The hearing officer **Hollar** recused himself and did not vote. **Orange** offered a motion to accept the hearing officer's recommendation and grant the license. **Kirby** seconded the motion. The motion passed with a unanimous "Yes" vote. Members voting were: **Kinser, Orange, Falwell, Kirby, Burch, Harris, Redifer, and Parrish**. The motion carried and the license was granted.

5 (9)
File
2003-03213
Shenandoa
h Home
Improveme
nts, Inc.
License
Application

In the matter of File Number 2002-03062, Beco Construction Inc.; Disciplinary Record File, the board reviewed the **Record # 2002-03062** which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Larry Bazemore and Mickey Martin (respondents)** appeared at the Board meeting and the IFF with counsel. **Mr. Smith** (attorney) shared with the Board his client's disagreement with the hearing officer's summary and recommendation. The hearing officer **Hollar** recused himself and did not vote. Upon a motion by **Parrish**, seconded by **Redifer**, the board voted to reject the recommendation of the hearing officer and close the case with a finding of no violations. There is no code to base a violation on. The motion passed with a unanimous vote. Those members voting "Yes" were: **Falwell, Burch, Kinser, Kirby, Orange, Harris, Redifer and Parrish**. The motion carried.

5 (10)
File
2002-03062
Beco
Constructio
n Inc.

In the matter of File Number 2002-02408, Stuart Components Inc t/a Stuart Components, Inc., Disciplinary Record File, the board reviewed the **Record # 2002-02408**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's

5 (11)
File (Start)
2002-02408
Stuart

summary. **John J. Trexler (attorney for respondents)** appeared at the Board meeting and the IFF. He expressed **Stuart Components Inc.**'s disagreement with the board Summary with regards to Counts 1,2,3,4 and 5. **James Kane (attorney for complainants)** was present along with **Mrs. Keene** and addressed the Board indicating they agreed with the Board's decision. The hearing officer **Hollar** recused himself and did not vote. Upon a motion by **Parrish**, seconded by **Kirby**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Stuart Components Inc** violated the following sections of its **1999 Regulations**: **Count 1:** 18 VAC 50-22-260(B)(8); **Count 2:** 18 VAC 50-22-260(B)(6); **Count 3:** 18 VAC 50-22-260(B)(6). The motion passed with a unanimous vote. Those members voting "Yes" were: Falwell, Kinser, Kirby, Orange, Harris, Parrish, Burch and Redifer. The motion carried. Upon a motion by **Falwell**, seconded by **Parrish**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-260(B)(8), **\$300.00**; **Count 2:** 18 VAC 50-22-260(B)(6), **\$250.00**; **Count 3:** 18 VAC 50-22-260(B)(6), **\$500.00**. For Count 2 and 3 the Board decreased the penalties from \$748.00 to \$250.00 for Count 2 and from \$748.00 to \$500.00 for Count 3 to be consistent with previous Board actions for similar violations. As to Count 4, 18VAC 50-22-260(B)(6) and count 5, 18 VAC 50-22-260(B)(5) the Board closed this aspect of the file with a finding of no violation. The motion passed with a unanimous vote. Those members voting "Yes" were Falwell, Kinser, Kirby, Orange, Harris, Parrish, Burch and Redifer. The motion carried. **If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended.**

**Component
s Inc,**

The Board took a five-minute recess.

The Board reconvened after the recess.

In the matter of File Number 2002-01577, Anson Bell t/a A-1 Irrigation, Inc., Disciplinary Record File, the board reviewed the **Record # 2002-01577**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Anson Bell (Respondent)** did not appear at the IFF or the Board meeting neither in person nor by any qualified representative. The hearing officer **Hollar** recused himself and did not vote. Upon a motion by **Kirby**, seconded by **Falwell**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **A-1 Irrigation, Inc.**, violated the following sections of its **1999 and 2001 Regulations**: **Count 1:** 18 VAC 50-22-260(B)(8) effective May 1, 1999 (two violations); **Count 2:** 18 VAC 50-

**5 (12)
File
2002-01577
A-1
Irrigation,
Inc.**

22-260(B)(9) effective September 1, 2001; **Count 3** 18 VAC 50-22-210(B) (3) effective September 1, 2001; **Count 4:** 18 VAC 50-22-260(B)(12) effective may 1, 1999. The motion passed with a unanimous vote. Those members voting "Yes" were: Falwell, Harris, Orange, Kinser, Kirby, Burch, Parrish and Redifer. The motion carried. Upon a motion by **Harris** seconded by **Falwell**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1 two violations at \$300.00 each for a total of \$600.00; Count 2: \$300.00. Count 3: \$350.00; Count 4: \$2,500.00 and license revocation. Penalty totals equal \$3,750.00.** The motion passed with a unanimous "Yes" vote. Members voting were: **Falwell, Kinser, Kirby, Orange, Parrish, Harris, Burch and Redifer.** The motion carried. **If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended.**

In the matter of File Number 2003-00057, Jeffery Winkler t/a Mid Atlantic Building Corp, Disciplinary Record File, the board reviewed the **Record # 2003-00057**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Jeffery Winkler (respondent)** did not appear at the Board meeting or the IFF. He was not represented by counsel or any other qualified person. **Archie Cannon, Jr. (complainant)** attended the IFF and the Board meeting. He expressed his agreement with the Hearing Officer's summary and recommendation. The hearing officer **Hollar** recused himself and did not vote. Upon a motion by **Redifer**, seconded by **Kirby**, the board voted to accept the recommendation for the violations as follows: **The Board found clear and convincing evidence that Mid Atlantic Building Corp. violated its Regulations effective 2001: Count 1: 18 VAC 50-22-260(B)(16); Count 2: 18 VAC 50-22-260(B)(12).** The motion passed with a unanimous vote. Those members voting "Yes" were: Falwell, Harris, Kinser, Kirby, Orange, Burch, Parrish and Redifer. The motion carried. Upon a motion by **Orange** seconded by **Harris** the board voted unanimously to adopt the recommendations for the sanctions as follows: **Count 1: a penalty of \$2,500.00 and license revocation; Count 2: a penalty of \$2,500.00 and revocation of license for total penalties of \$5,000.00.** The motion carried. The vote was unanimous. Members voting yes were: Falwell, Harris, Kinser, Kirby, Orange, Burch, Parrish and Redifer. **If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended.**

5 (13)
File
2003-00057
Mid
Atlantic
Building
Corp

In the matter of File Number 2003-03534, Ernest W. Carter, Jr. t/a

5 (14)

E. W. Carter General Contractor; Application for License, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Carter attended the IFF and appeared before the board. Mr. Carter shared his agreement with the hearing officer's summary and recommendation. The hearing officer **Kinser** recused himself and did not vote. **Falwell** chaired this case. **Orange** offered a motion to accept the hearing officer's recommendation and grant the license. **Kirby** seconded the motion. The motion passed with a vote of 7 "Yes" and 1 "No". Members voting yes were: **Orange, Falwell, Kirby, Burch, Harris, Redifer, and Parrish**. **Hollar** voted "no". The motion carried and the license was granted.

File
2003-03534
**Ernest W.
Carter, Jr.
License
Application**

In the matter of File Number 2003-03483, **Jerome Francis Sanfino, Jr.; Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Sanfino attended the IFF and appeared before the board. Mr. Sanfino shared his agreement with the hearing officer's summary and recommendation. The hearing officer **Kinser** recused himself and did not vote. **Falwell** chaired this case. **Hollar** offered a motion to accept the hearing officer's recommendation and grant the license. **Kirby** seconded the motion. The motion passed with a unanimous "Yes" vote. Members voting were: **Hollar, Orange, Falwell, Kirby, Burch, Harris, Redifer, and Parrish**. The motion carried and the license was granted.

5 (15)
File
2003-03483
**Jerome
Francis
Sanfino, Jr.
License
Application**

In the matter of File Number 2002-00842, **R-2000 Homes, LLC t/a Atlantic Custom Homes, LLC. Disciplinary Record File**, the board reviewed the Record # 2003-00842, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **R-2000 Homes LLC. (Respondent)** did not appear at the Board meeting or the IFF. They were not represented by counsel or any other qualified person. **James Bell (complainant)** attended the IFF and the Board meeting. He expressed his agreement with the Hearing Officer's summary and recommendation. The hearing officer **Kinser** recused himself and did not vote. **Falwell** chaired this case. Upon a motion by **Hollar**, seconded by **Parrish**, the board voted to accept the recommendation for the violations as follows: **The Board found clear and convincing evidence that R-2000 Homes, LLC. violated its Regulations effective May 1, 1999: Count 1: 18 VAC 50-22-260(B)(6); Count 2: 18 VAC 50-22-260(B)(13) effective January 1, 2003.** The motion passed with a unanimous vote. Those members voting "Yes" were: **Falwell, Harris, Hollar, Kirby, Orange, Burch, Parrish and Redifer**. The motion carried. Upon a motion by **Burch** seconded by **Falwell** the board voted unanimously to adopt the recommendations

5 (16)
File
2002-00842
**R-2000
Homes,
LLC**

for the sanctions as follows: **Count 1, \$2,500.00. Count 2, \$2,500.00. For a total of \$5,000.00 in penalties.** The motion passed with a unanimous vote. Those members voting yes were: **Falwell, Harris, Hollar, Kirby, Orange, Burch, Parrish and Redifer.** If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended.

In the matter of File Number 2003-03505, Casey Hannan t/a Milbrand & Hannan Painting, Application for License, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Hannan attended the IFF and attended the board meeting. Mr. Hannan shared his agreement with the hearing officer's summary and recommendation. The hearing officer Kirby recused himself and did not vote. Falwell chaired this case. Orange offered a motion to accept the hearing officer's recommendation and grant the license. Burch seconded the motion. The motion passed with a 7 "Yes" and 1 "No" vote. Members voting yes were: Orange, Falwell, Kinser, Burch, Harris, Redifer, and Parrish. Member voting no was: Hollar. The motion carried and the license was granted.

5 (17)
File
2003-03505
Milbrand &
Hannan
Painting

In the matter of File Number 2003-03502, Clifton J Elliott, Application for License, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Elliott attended the IFF and appeared before the board. Mr. Elliott shared his agreement with the hearing officer's summary and recommendation. The hearing officer Kirby recused himself and did not vote. Falwell chaired this case. Hollar offered a motion to accept the hearing officer's recommendation and grant the license. Orange seconded the motion. The motion passed with a unanimous "Yes" vote. Members voting yes were: Orange, Falwell, Kinser, Hollar, Burch, Harris, Redifer, and Parrish. The motion carried and the license was granted.

5 (18)
File
2003-03502
Clifton J.
Elliott

In the matter of File Number 2002-03721, Patrick Carr (Respondent) t/a Home Consulting Plus, Inc., t/a Housing Made Simple Disciplinary Record File, the board reviewed the Record # 2002-03721, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Raymond and Kimberly Johnson (complainants) attended the IFF and the Board meeting and they expressed their agreement with the hearing officer's summary and recommendations. Paul Lyles and Brent Lester appeared at the Board meeting and the IFF they expressed their disagreement with

5(19)
File
2002-03721
Home
Consulting
Plus, Inc.

the hearing officer's summary and recommendations. They shared that they were not allowed back on the property to complete the repairs. The Johnson's (**Respondents**) appeared at the IFF and the Board meeting. They agreed with the hearing officer's summary and recommendations. The hearing officer **Ms. Parrish** recused herself and did not vote. **Kirby** resumed chairing the meeting. Upon a motion by **Orange**, seconded by **Harris**, the board voted to accept the recommendation for the violations as follows: The Board found clear and convincing evidence that **Home Consulting Plus, Inc. t/a Housing Made Simple** violated the following sections of its **2001 Regulations**: **Count 1: 18 VAC 50-22-260(B)(6)**; **Count 2: 18 VAC 50-22-260(B)(6)**, **Count 3: 18 VAC 50-22-260(B)(6)**. The motion passed with a unanimous vote. Those members voting "Yes" were: **Falwell, Hart, Hollar, Kinser, Kirby, Paulette, Harris and Orange**. The motion carried. Upon a motion by **Orange**, seconded by **Kirby**, the board voted to accept the recommendation for the sanctions. **Hollar** offered a friendly amendment to the motion to add remedial ed to each count. **Falwell** offered a friendly amendment to reduce count 2 from \$2,500.00 to \$1,000.00 to be consistent with previous Board actions. The Board imposed the following sanctions: **Count 1: 18 VAC 50-22-260(B)(6) \$500.00 and successful completion of the Board's Basic Contracting Licensing Class (remedial education) within six months of the effective date of the order. If the basic contracting licensing class is not successfully completed within six months then the license will be suspended.** **Count 2: 18 VAC 50-22-260(B) (6), \$1,000.00 and successful completion of the Board's Basic Contracting Licensing Class (remedial education) within six months of the effective date of the order. If the basic contracting licensing class is not successfully completed within six months then the license will be suspended.** **Count 3: 18 VAC 50-22-260(B) (6) \$500.00. And successful completion of the Board's Basic Contracting Licensing Class (remedial education) within six months of the effective date of the order. If the basic contracting licensing class is not successfully completed within six months then the license will be suspended. If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended.** The motion passed with a unanimous vote. Those members voting "Yes" were: **Falwell, Harris, Hollar, Kinser, Kirby, Harris, Hollar and Orange**. The motion carried.

In the matter of File Number 2003-03343, Stephen Todd Thorpe (**Respondent**) t/a The Renovator, Application for License, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Thorpe attended the IFF but did not appear before the board. The hearing officer **Burch** recused himself and did not vote. **Hollar** offered a motion

5 (20)
File
2003-03343
The
Renovator

to accept the hearing officer's recommendation and grant the license. **Kirby** seconded the motion. The motion passed with a unanimous "Yes" vote. Members voting yes were: **Orange, Falwell, Kinser, Kirby, Hollar, Burch, Harris, Redifer, and Parrish**. The motion carried and the license was granted.

In the matter of File Number 2003-03504, David Westley Wright Application for License; the board reviewed the **Record # 2003-03504**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **David Westley Wright** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. The hearing officer **Kirby recused himself** and did not vote. Upon a motion by **Hollar**, seconded by **Burch**, the board voted to accept the recommendation and grant **David Westley Wright** a license. The motion passed with a "yes" vote of 7. Those members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Redifer, Orange and Parrish**. **Harris abstained**. The motion was carried.

5(21)
File
2003-03504
**David
Westley
Wright t/a
Wright
Constructio
n
Application
For License**

In the matter of File Number 2003-03342, James Gallihugh t/a Jimmy's Home Improvements Application for License; the board reviewed the **Record # 2003-03342**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **James Gallihugh** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. The hearing officer **Burch recused himself** and did not vote. Upon a motion by **Orange**, seconded by **Harris**, the board voted to accept the recommendation and grant **Jimmy's Home Improvements** a license. The motion passed with a "yes" vote of 7. Those members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Redifer, Orange and Harris**. **Parrish abstained**. The motion carried.

5 (22)
File
2003-03342
**Jimmy's
Home
Improveme
nts**

In the matter of File Number 2003-03510, Michael William VanderBorn t/a Dominion Restoration, Application for License; the board reviewed the **Record # 2003-03510**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **James Gallihugh** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. The hearing officer **Burch recused himself** and did

5 (23)
File
2003-03510
**Dominion
Restoration,
LLC**

not vote. Upon a motion by **Hollar**, seconded by **Kirby**, the board voted to accept the recommendation and grant **Dominion Restoration** a license. The motion passed with a unanimous "yes" vote. Those members voting were: **Falwell, Hollar, Kinser, Kirby, Redifer, Orange, Parrish and Harris**. The motion carried.

In the matter of File Number 2003-00600, Thomas D Underwood t/a Underwood Construction, Disciplinary Record File, the board reviewed the **Record # 2002-00600**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Thomas Underwood (Respondent)** attended the IFF and the Board meeting. He expressed his agreement and disagreement with the hearing officer's recommendation. **Mr. Todd Thornton (Complainant)** did not appear at the Board meeting but he did appear at the IFF. The hearing officer **Parrish** recused herself and did not vote. Upon a motion by **Falwell**, seconded by **Harris**, the board voted to amend the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Thomas D Underwood** violated the following sections of its **May 1, 1999 Regulations**: **Count 1: 18 VAC 50-22-260(B)(8)(e)(h); Regulations effective September 1, 2001 Count 2: 18 VAC 50-22-260(B)(31); Count 3: 18 VAC 50-22-260(B)(6); Count 4: 18 VAC 50-22-260(B)(15); Count 5: 18 VAC 50-22-260(B)(16). Count 6: 18 VAC 50-22-260(B)(23) (effective May 1, 1999)** a finding of no violation. The motion passed with a unanimous vote. Those members voting "Yes" were: **Burch, Falwell, Hollar, Harris, Kinser, Kirby, Orange, and Redifer**. The motion carried. Upon a motion by **Falwell**, seconded by **Harris**, the board voted to accept the recommendations for the sanctions with an amendment as follows: The Board imposed the following sanctions: **Count 1: 18 VAC 50-22-260(B)(8)(e)(h); \$100.00. Count 2: 18 VAC 50-22-260(B)(31); \$250.00. Count 3: 18 VAC 50-22-260(B) (6); \$500.00. Count 4: 18 VAC 50-22-260(B) (15); \$500. 00. Count 5: 18 VAC 50-22-260(B) (16); reduced from \$2,500.00 to \$500.00. If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended.** The motion passed with a unanimous vote. Those members voting "Yes" were: **Falwell, Hollar, Burch, Kinser, Kirby, Harris, Orange and Redifer**. The motion carried.

5 (24)
File
2002-00600
Constructio
n Unlimited

In the matter of File Number 2003-03484, Richard Allen Fetterman, Application for License; the board reviewed the **Record # 2003-03484**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Richard Allen Fetterman** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. The hearing

5 (25)
File
2003-03484
Richard
Allen
Fetterman

officer **Kinser** recused himself and did not vote. **Orange** chaired the meeting. Upon a motion by **Kirby**, seconded by **Burch**, the board voted to accept the recommendation and grant **Richard Allen Fetterman** a license. The motion passed with a unanimous "yes" vote. Those members voting "Yes" were: **Falwell, Hollar, Kirby, Burch, Redifer, Harris, Orange and Parrish**. The motion carried.

In the matter of File Number 2002-03129, **Harry L Swindell, Sr. t/a H L S repairs and Additions, Disciplinary Record File**, the board reviewed the Record # 2002-03129, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Harry L Swindell, Sr., (Respondent)** did not appear at the Board meeting or the IFF in person or by counsel or by any other qualified representative. **Ada and Carlton Gilchrists (Complainant)** did not appear at the Board meeting or the IFF. The hearing officer **Kinser** recused himself and did not vote. **Falwell** chaired this case. Upon a motion by **Harris** seconded by **Parrish**, the board voted to adopt the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Harry L Swindell, Sr.**, violated the following sections of its 2001 Regulations: **Count 1: 18 VAC 50-22-260(B)(9). Count 2: 18 VAC 50-22-260(B)(28). Count 3: 18 VAC 50-22-260(B)(15). Count 4: 18 VAC 50-22-260(B)(15).** The motion passed with a unanimous vote. Those members voting "Yes" were: **Burch, Falwell, Hollar, Harris, Parrish, Kirby, Orange, and Redifer**. The motion carried. Upon a motion by **Redifer**, seconded by **Hollar**, the board voted to accept the recommendations for the sanctions as follows: The Board imposed the following sanctions: **Count 1: 18 VAC 50-22-260(B)(9); \$2,500.00. Count 2: 18 VAC 50-22-260(B)(28); \$2,500.00. Count 3: 18 VAC 50-22-260(B)(15); \$2,500.00. Count 4: 18 VAC 50-22-260(B)(15); \$2,500.00.** The Board imposed the sanction of revocation of **Harry L Swindell, Sr.**'s license for violation of Counts 2,3 and 4. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended. The motion passed with a unanimous vote. Those members voting "Yes" were: **Burch, Falwell, Hollar, Harris, Parrish, Kirby, Orange, and Redifer..** The motion carried.

5 (26)
File
2002-03129
H L S
Repairs and
Additions

In the matter of File Number 2003-03512, **Gregory Pool t/a Angle Painting; Licensing File**, the board reviewed the Record # 2003-03512, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Gregory Pool** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. The hearing officer **Burch** recused himself and did not vote. **Kinser** resumed chairing the meeting. Upon a motion by **Orange** seconded by **Kirby**, the board voted to accept the

5 (27)
File
2003-03512
Angle
Painting
License

recommendation and approve **Gregory Pool's** application for license. The motion passed with a unanimous vote. Those members voting "Yes" were: **Falwell, Hollar, Kirby, Burch, Redifer, Harris, Orange and Parrish.** The motion carried.

In the matter of File Number 2002-03618, Charles E Ballard t/a CEB's Home Improvements; Disciplinary Record File, the board reviewed the **Record # 2002-03618**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Charles E Ballard (Respondent)** did not appear at the IFF or the Board meeting. Neither he nor anyone on his behalf appeared. The hearing officer **Falwell** recused himself and did not vote. **Kirby** offered a motion seconded by **Orange** to adopt the hearing officer's summary and recommendations for violations. The Board found clear and convincing evidence that **Charles E Ballard** violated the following sections of its 1999 Regulations: **Count 1: 18 VAC 50-22-260(B)(12) to wit: §54.1-1103; Count 2: 18 VAC 50-22-260(B)(12); Count 3: 18 VAC 50-22-260(B)(12); Count 4: 18 VAC 50-22-260(B)(21).** The vote was unanimous. Members voting yes were: **Hollar, Kinser, Kirby, Burch, Redifer, Harris, Orange and Parrish.** **Orange** offered a motion seconded by **Hollar** that the sanctions be adopted as recommended by the hearing officer. **Count 1: 18 VAC 50-22-260(B)(12) to wit: §54.1-1103; \$400.00. Count 2: 18 VAC 50-22-260(B)(12); \$1,000.00. Count 3: 18 VAC 50-22-260(B)(12); \$1,000.00 and license revocation. Count 4: 18 VAC 50-22-260(B)(21) \$250.00. For a total monetary penalty of \$2,650.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended.** The vote was unanimous. Members voting yes were: **Hollar, Kinser, Kirby, Burch, Redifer, Harris, Orange and Parrish** The motion carried.

**5 (28)
File
2002-03618
CEB's
Home
Improve-
ments**

In the matter of File Number 2002-03099, Stephen Monroe t/a Monroe Trucking And Excavation, Inc.; Disciplinary Record File, the board reviewed the **Record # 2002-03618**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Stephen Monroe (Respondent)** did appear at the IFF but he did not attend the Board meeting. Neither he nor anyone on his behalf appeared. The hearing officer **Falwell** recused himself and did not vote. **Redifer** offered a motion seconded by **Orange** to adopt the hearing officer's summary and recommendations for violations. The Board found clear and convincing evidence that **Stephen Monroe** violated the following sections of its September 1, 2001 Regulations: **Count 1: 18 VAC 50-22-260(B)(31); Count 2: 18 VAC 50-22-**

**5 (29)
File
2002-03099
Monroe
Trucking
And
Excavation,
Inc.**

260(B)(9). The vote was unanimous. Members voting yes were: **Hollar, Kinser, Kirby, Burch, Redifer, Harris, Orange and Parrish.** **Orange** offered a motion accepting a friendly amendment by **Hollar** to **add remedial ed to both counts** seconded by **Redifer** that the sanctions be adopted as recommended by the hearing officer adding remedial education. **Count 1: 18 VAC 50-22-260(B)(31); \$125.00 and remedial education. Count 2: 18 VAC 50-22-260(B)(9); \$150.00 and remedial education. For a total monetary penalty of \$275.00. Remedial education must be successfully completed in six months of the order or the license will be automatically revoked. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended.** The vote was unanimous. Members voting yes were: **Hollar, Kinser, Kirby, Burch, Redifer, Harris, Orange and Parrish** The motion carried.

In the matter of File Number 2002-01272, **Thomas N Peregoy, Jr. t/a Universal Contractors, Disciplinary Record File**, the board reviewed the **Record # 2002-01272**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Thomas N Peregoy, Jr. (Respondent)** did appear at the IFF nor did he attend the Board meeting. Neither he, counsel nor anyone appeared on his behalf. The hearing officer **Falwell** recused himself and did not vote. **Redifer** offered a motion seconded by **Kirby** to adopt the hearing officer's summary and recommendations for violations. The Board found clear and convincing evidence that **Thomas N Peregoy, Jr.** violated the following sections of its **March 31, 1995, amended July 15, 1998 and September 1, 2001 Regulations:** **Count 1: 18 VAC 50-22-260(B)(8); Count 2: 18 VAC 50-22-260(B)(21); Count 3: 18 VAC 50-22-260(B)(6); Count 4: 18 VAC 50-22-260(B)(13).** The vote was unanimous. Members voting yes were: **Hollar, Kinser, Kirby, Burch, Redifer, Harris, Orange and Parrish.** **Orange** offered a motion seconded by **Kirby** that the sanctions be adopted as recommended by the hearing officer. **Count 1: 18 VAC 50-22-260(B)(8); \$250.00. Count 2: 18 VAC 50-22-260(B)(21); \$250.00. Count 3: 18 VAC 50-22-260(B)(6) \$500.00. Count 4: 18 VAC 50-22-260(B)(13) \$1,000.00 and remedial education. For a total monetary penalty of \$2,000.00. Remedial education must be successfully completed in six months of the order or the license will be automatically revoked. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended.** The vote was unanimous. Members voting yes were: **Hollar, Kinser, Kirby, Burch, Redifer, Harris, Orange and Parrish.** The motion carried.

5 (30)
File
2002-01272
Universal
Contractors

In the matter of File Number 2003-00171, **Craig J Putziger, t/a Star**

5 (31)

City Heating & Air Conditioning, Disciplinary Record File, the board reviewed the **Record # 2003-00171**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Craig J Putziger (respondent) did not attend** the Board's meeting or the IFF. He did not appear in person or by counsel or by any other qualified representative. The hearing officer **Falwell** recused himself and did not vote. **Redifer** offered a motion, seconded by **Orange** to adopt the hearing officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Craig J Putziger** violated the following sections of its **2001 Regulations**: **Count 1: 18 VAC 50-22-260(B) (9); Count 2: 18 VAC 50-22-260(B) (14); Count 3: 18 VAC 50-22-260(B) (16); Count 4: 18 VAC 50-22-260(B)(28); Count 5: 18 VAC 50-22-260(B)(13)**. The motion passed with a unanimous vote. Those members voting "Yes" were: **Hollar, Kinser, Kirby, Burch, Redifer, Harris, Orange and Parrish**. The motion carried. Upon a motion by **Redifer**, seconded by **Harris**, the board voted to accept the recommendation for the sanctions as recommended by the hearing officer. **Count 1: 18 VAC 50-22-260(B) (9); \$500.00. Count 2: 18 VAC 50-22-260(B) (14); \$500.00. Count 3: 18 VAC 50-22-260(B) (16); \$1,000.00. Count 4: 18 VAC 50-22-260(B)(28); \$1,000.00. Count 5: 18 VAC 50-22-260(B)(13); \$500.00. For a total monetary of \$3,500.00. The vote failed. Members voting yes were: Kinser, Kirby, Burch, Redifer, Harris and Parrish. Members voting no were: Orange and Hollar. Hollar offered a motion seconded by Orange to adopt the hearing officer's recommendation amending counts 4 and 5 to include license revocation. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voted as followed: **Redifer "No". Hollar, Kinser, Kirby, Burch, Harris, Orange and Parrish** voted "Yes". The motion carried.**

File
2003-00171
Star City
Heating &
Air
Conditionin
g

In the matter of **File Number 2003-03432, Christopher Mark Williamson; Licensing File**, the board reviewed the **Record # 2003-03432**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Christopher Mark Williamson did not appear** before the board. He did appear at the IFF meeting. The hearing officer **Harris** recused himself and did not vote. Upon a motion by **Orange**, seconded by **Kirby**, the board voted to accept the recommendation and approve **Christopher Mark Williamson's** application for license. The motion passed with a unanimous vote. Those members voting "Yes" were: **Falwell, Hollar, Kirby, Burch, Redifer, Kinser, Orange and Parrish**. The motion carried.

5 (32)
File
2003-03432
Christopher
Mark
Williamson

In the matter of File Number 2002-03193, John Sylvania Matthews, III, t/a Matthews Well Drilling, Disciplinary Record File, the board reviewed the Record # 2002-03193, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. John Sylvania Matthews, III (respondent) did not attend the Board's meeting or the IFF. He did not appear in person or by counsel or by any other qualified representative. The hearing officer Harris recused himself and did not vote. Redifer offered a motion, seconded by Kirby to adopt the hearing officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that John Sylvania Matthews, III violated the following sections of its 1999 Regulations: Count 1: 18 VAC 50-22-260(B) (2). The motion passed with a unanimous vote. Those members voting "Yes" were: Hollar, Kinser, Kirby, Burch, Redifer, Falwell, Orange and Parrish. The motion carried. Upon a motion by Redifer, seconded by Parrish with a friendly amendment by Kirby, the board voted to accept the recommendation for the sanctions as recommended by the hearing officer with amendments as follows. Count 1: 18 VAC 50-22-260(B) (2); increasing the monetary penalty from \$500.00 to \$2,500.00 and adding revocation of the license due to the fact that John Sylvania Matthews III did not disclose the felony convictions per the requirements of the 1999 Regulation 18 VAC 50-22-260(B)(2). Disclosure of the felonies may have had bearings on the Board granting the license initially. For a total monetary penalty of \$2,500.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voted "Yes" as follows: Redifer, Hollar, Kinser, Kirby, Burch, Falwell, Orange and Parrish. The motion carried.

**5 (33)
File
2002-03193
Matthews
Well
Drilling**

In the matter of File Number 2002-02643, John Sylvania Matthews, III, t/a Matthews Well Drilling, Disciplinary Record File, the board reviewed the Record # 2002-03193, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. John Sylvania Matthews, III (respondent) did not attend the Board's meeting or the IFF. He did not appear in person or by counsel or by any other qualified representative. The hearing officer Harris recused himself and did not vote. Ms. Traylor pointed out to the Board the typo re: the regulations cited instead of being 1999 regulations it should be 2001. This was so noted and adjusted. Orange offered a motion, seconded by Kirby to adopt the hearing officer's recommendation for the violations with an amendment of the regulation being cited as follows: The Board finds clear and convincing

**5 (34)
File
2002-02643
Ace
Contracting
Services,
Inc.**

evidence that **John Sylvania Matthews, III** violated the following sections of its **2001 Regulations: Count 1: 18 VAC 50-22-260(B) (8)**. The motion passed with a unanimous vote. Those members voting **"Yes"** were: **Hollar, Kinser, Kirby, Burch, Redifer, Falwell, Orange and Parrish**. The motion carried. Upon a motion by **Kirby**, seconded by **Orange**, the board voted to accept the recommendation for the sanctions as recommended by the hearing officer with amendments as follows. **Count 1: 18 VAC 50-22-260(B) (8) \$300.00 and completion of Remedial Education. For a total monetary penalty of \$300.00. Remedial Ed must be completed within six months of the signing of the order or the license will be revoked. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voted "Yes" as followed: Redifer, Hollar, Kinser, Kirby, Burch, Falwell, Orange and Parrish. The motion carried.**

In the matter of File Number 2002-02105, **Lonnie A Smith, t/a Midlothian Electric CO. Disciplinary Record File**, the board reviewed the **Record # 2002-02105**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Lonnie A Smith (respondent) did not attend** the Board's meeting or the IFF. He did not appear in person or by counsel or by any other qualified representative. The hearing officer **Harris recused himself** and did not vote. **Orange** offered a motion, seconded by **Parrish to adopt** the hearing officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Lonnie A Smith** violated the following sections of its **1999 Regulations: Count 1: 18 VAC 50-22-260(B) (8); Count 2: 18 VAC 50-22-260(B)(6); Count 3: 18 VAC 50-22-260(B)(12); Count 4: 18 VAC 50-22-260(B)(6); Count 5: 18 VAC 50-22-260(B)(11)**. The motion passed with a unanimous vote. Those members voting **"Yes"** were: **Hollar, Kinser, Kirby, Burch, Redifer, Falwell, Orange and Parrish**. The motion carried. Upon a motion by **Orange**, seconded by **Parrish**, the board voted to accept the recommendation for the sanctions as recommended by the hearing officer with amendments as follows. **Count 1: 18 VAC 50-22-260(B) (8) \$300.00 and completion of Remedial Education. Count 2: 18 VAC 50-22-260(B)(6) \$500.00. Count 3: 18 VAC 50-22-260(B)(12) \$500.00. Count 4: 18 VAC 50-22-260(B)(6) increasing the monetary penalty from \$1,500.00 to \$2,500.00 due to the severity of the misconduct, by failing to complete the job, leaving a live wire dangling in the garage created a dangerous condition in a dwelling. Count 5: 18 VAC 50-22-260(B)(11) \$500.00. For a total monetary penalty of \$4,300.00. Remedial Ed must be completed within six months of the signing of the order or the license will be revoked. The monetary penalty must be paid within sixty days of the date of entry**

5 (35)
File
2002-02105
Midlothian
Electric
CO.

of the order or the license will be automatically suspended. Members voted "Yes" as followed: Redifer, Hollar, Kinser, Kirby, Burch, Falwell, Orange and Parrish. The motion carried.

In the matter of File Number 2003-01043, D'lorah Tap t/a D'lorah Tap Disciplinary Record File, the board reviewed the Record # 2003-01043, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. D'lorah Tap (respondent) did not attend the Board's meeting or the IFF. He did not appear in person or by counsel or by any other qualified representative. The hearing officer Harris recused himself and did not vote. Redifer offered a motion, seconded by Orange to adopt the hearing officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that D'lorah Tap violated the following sections of its 2001 Regulations: Count 1: 18 VAC 50-22-210(B) (3); Count 2: 18 VAC 50-22-220(A); Count 3: 18 VAC 50-22-230(A); Count 4: 18 VAC 50-22-230(B); Count 5: 18 VAC 50-22-260(B)(16). The motion passed with a unanimous vote. Those members voting "Yes" were: Hollar, Kinser, Kirby, Burch, Redifer, Falwell, Orange and Parrish. The motion carried. Upon a motion by Orange, seconded by Redifer, the board voted to accept the recommendation for the sanctions as recommended by the hearing officer as follows. Count 1: 18 VAC 50-22-210(B) (3); \$500.00. Count 2: 18 VAC 50-22-220(A); \$500.00. Count 3: 18 VAC 50-22-230(A); \$500.00. Count 4: 18 VAC 50-22-230(B) \$500.00. Count 5: 18 VAC 50-22-260(B)(16) \$2,500.00 and license revocation. For a total monetary penalty of \$4,500.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voted "Yes" as followed: Redifer, Hollar, Kinser, Kirby, Burch, Falwell, Orange and Parrish. The motion carried.

**5 (36)
File
2003-01043
D'lorah
Tap**

In the matter of File Number 2003-00619, Robert Chichester t/a Atlas Renovation & Construction. Disciplinary Record File, the board reviewed the Record # 2003-00619, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Charles G Preston, Attorney for Chichester attended the IFF but Chichester did not appear at the Board meeting in person with counsel or by any other representative. The hearing officer Harris recused himself and did not vote. Ms. Traylor alerted the Board that Count 1 on the summary and recommendation notice incorrectly reflects 260 (B)(8) and it should be 260(B)(9). The Board noted this and requested that the typo be corrected. Redifer offered a motion, seconded by Parrish to adopt the hearing officer's recommendation for the violations as follows: The

**5 (37)
File
2003-00179
Atlas
Renovation
&
Constructio
n**

Board finds clear and convincing evidence that **Robert Chichester** violated the following sections of its **2001 Regulations**: **Count 1: 18 VAC 50-22-260(B) (9)**; **Count 2: closed with a finding of no violation.** **Count 3: 18 VAC 50-22-260(B)(12)**; **Count 4: 18 VAC 50-22-260(B)(13)**; **Count 5: 18 VAC 50-22-260(B)(16).** The motion passed with a unanimous vote. Those members voting "Yes" were: **Hollar, Kinser, Kirby, Burch, Redifer, Falwell, Orange and Parrish.** The motion carried. Upon a motion by **Orange**, seconded by **Parrish**, the board voted to accept the recommendation for the sanctions as recommended by the hearing officer as follows. **Count 1: 18 VAC 50-22-260(B) (9); \$500.00** **Count 2: closed with a finding of no violation.** **Count 3: 18 VAC 50-22-260(B)(12); \$500.00** **Count 4: 18 VAC 50-22-260(B)(13); \$500.00.** **Count 5: 18 VAC 50-22-260(B)(16); \$1,000.00.** For a total monetary penalty of **\$2,500.00.** The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voted "Yes" as followed: **Redifer, Hollar, Kinser, Kirby, Burch, Falwell, Orange and Parrish.** The motion carried.

In the matter of **File Number 2002-03650**, **Jeffrey Winkler** of **Mid Atlantic Building Corp. t/a Forest Hill Associates**, **Disciplinary Record File**, the board reviewed the **Record # 2002-03650**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Jeffrey Winkler** did not appear at the IFF or the Board meeting in person with counsel or by any other representative. The hearing officer **Hollar** recused himself and did not vote. **Kirby** offered a motion, seconded by **Redifer** to adopt the hearing officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Mid Atlantic Building Corp.** violated the following sections of its **1999 Regulations**: **Count 1: 18 VAC 50-22-260(B) (8)**; **Count 2: 18 VAC 50-22-260(B)(12).** **Count 3: 18 VAC 50-22-260(B)(11)**; **Count 4: 18 VAC 50-22-230(B).** **Parrish** abstained from voting due to possible conflicts. The motion passed with a unanimous vote. Those members voting "Yes" were: **Harris, Kinser, Kirby, Burch, Redifer, Falwell and Orange.** The motion carried. Upon a motion by **Kirby**, seconded by **Orange**, the board voted to accept the recommendation for the sanctions as recommended by the hearing officer as follows. **Count 1: 18 VAC 50-22-260(B) (8); \$2,500.00** **Count 2: 18 VAC 50-22-260(B)(12); \$2,500.00.** **Count 3: 18 VAC 50-22-260(B)(11); \$2,500.00** **Count 4: 18 VAC 50-22-230(B); \$2,500.00.** For a total monetary penalty of **\$10,000.00.** The Board imposes license revocation for each count. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voted "Yes" as

5 (38)
File
2002-03650
Mid
Atlantic
Building
Corp. t/a
Forest Hill
Associates

follows: **Redifer, Harris, Kinser, Kirby, Burch, Falwell and Orange.**
The motion carried.

In the matter of File Number 2003-03341, James Jennings t/a Masterbuilt Carpentry; Licensing File, the board reviewed the Record # 2003-03341, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. James Jennings did not appear before the board at the Board meeting in person with counsel or by any other representative. He did appear at the IFF meeting. The hearing officer Hollar recused himself and did not vote. Upon a motion by Parrish seconded by Burch the board voted to accept the recommendation and approve James Jennings' application for license. The motion passed with a unanimous vote. Those members voting "Yes" were: Falwell, Harris, Kirby, Burch, Redifer, Kinser, Orange and Parrish. The motion carried.

**5 (39)
File
2003-03341
Masterbuilt
Carpentry**

In the matter of File Number 2003-03339, Robert K Gaddis t/a Gaddis Heating & Conditioning Inc.; Licensing File, the board reviewed the Record # 2003-03339, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. Robert K Gaddis did not appear before the board at the Board meeting in person with counsel or by any other representative. He did appear at the IFF meeting. The hearing officer Hollar recused himself and did not vote. Upon a motion by Orange, seconded by Harris, abstained by Kirby the board voted to accept the recommendation and approve Robert K Gaddis' application for license with an amendment to the summary and recommendation as follows. The regulant shall report to the Board on a quarterly basis for a period of 48 months. The motion passed with a unanimous vote. Those members voting "Yes" were: Falwell, Harris, Burch, Redifer, Kinser, Kirby, Orange and Parrish. The motion carried.

**5 (40)
File
2003-0339
Gaddis
Heating &
Conditionin
g Inc.**

The Board went into closed session at 1:15 PM upon a motion by Jennifer Parrish, who stated: "Mr Chairman, I move that this meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to actual and/or potential litigation as permitted by § 2.2-3711.A.28 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Olson and Karen O'Neal. This motion is made with respect

**Closed
Session**

to the matters identified as agenda items: 2002-02893; 2002-00249; 2001-03421 and 2002-01427. The motion was seconded by Robert Kirby. The motion passed unanimously.

The Board reconvened from the closed session at 1:35 PM at which time the following was read into the record:

WHEREAS, the Board for Contractors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification of Closed Session

WHEREAS, § 2.2-3712 of the *Code of Virginia* requires a certification by this Board for Contractors that such closed meeting was conducted in conformity with Virginia law;

NOW THEREFORE, BE IT RESOLVED that the Board for Contractors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Contractors.

Call for vote: Mr. Burch – AYE; Mr. Harris; AYE, Mr. Hollar; AYE; Mr. Kirby – AYE; Ms. Parrish – AYE; Mr. Redifer – AYE; Mr. Falwell – AYE; Mr. Kinser – AYE; Mr. Orange – AYE

Ms. Wood, Mr. Hart, Mr. McDowell, & Mr. Paulette were absent from the meeting.

Upon a motion by Parrish seconded by Redifer. A motion was offered by Parrish to vacate the final orders for: 2002-02893; 2002-00249 and remand them to IFF's. Also for file #2001-03421 the Board provides for the inclusion of documents into the record and rejects the settlement offer presented by the assistant attorney general. The vote was unanimous. Members voting were: Harris, Hollar, Burch, Kirby Kinser, Falwell, Orange, Parrish and Redifer. Parrish offered a motion to vacate the order for 2000-01427 this was seconded by Falwell. The vote was unanimous. Members voting were: Harris, Hollar, Burch, Kirby Kinser, Falwell, Orange, Parrish and Redifer.

In the matter of File Number 2003-03338, Michael D Underhill Application for Journeyman HVAC License; Licensing File, the

**5 (41)
File**

board reviewed the **Record # 2003-03338**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Michael D Underhill** appeared before the board and at the IFF meeting. The hearing officer **Hollar** recused himself and did not vote. Upon a motion by **Orange**, seconded by **Redifer**, the board voted to accept the recommendation and approve **Michael D Underhill's** application for journeyman HVAC license. The motion passed with a unanimous vote. Those members voting "Yes" were: **Falwell, Harris, Burch, Redifer, Kinser, Kirby, Orange and Parrish**. The motion carried.

2003-03338
Michael D
Underhill

In the matter of File Number **2003-03216**, **Brad Lee Hodges** Application for Tradesman License; Licensing File, the board reviewed the **Record # 2003-03216**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Brad Lee Hodges** appeared before the board and at the IFF meeting. The hearing officer **Hollar** recused himself and did not vote. Upon a motion by **Kirby**, seconded by **Burch**, the board voted to accept the recommendation and approve **Brad Lee Hodges'** application for Tradesman license. The motion passed with a unanimous vote. Those members voting "Yes" were: **Falwell, Harris, Burch, Redifer, Kinser, Kirby, Orange and Parrish**. The motion carried.

5 (42)
File
2003-03216
Buck Lee
Hodges

In the matter of File Number **2003-02694**, **Jeffrey S Meller t/a Custom Creations**, Application for Class C Licensing Record File, the board reviewed the **Record # 2003-02694**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Jeffrey S Meller** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. The hearing officer **Hollar** recused himself and did not vote. Upon a motion by **Redifer**, seconded by **Kirby**, the board voted to accept the recommendation and approve **Jeffrey S Meller's** application for a Class C license. The motion passed with a unanimous vote. Those members voting "Yes" were: **Burch, Falwell, Harris, Orange, Parrish, Kinser, Kirby, and Redifer**. The motion was carried

5 (43)
File
2003-02694
Custom
Creations

In the matter of File Number **2002-02611**, **George L Perkins t/a Perkins Electric**, Disciplinary Record File the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **George L Perkins (Respondent)** did not appear before the board but he was represented by letter. He did attend the IFF. **Diane Jamerson, (Complainant)** attended

5 (44)
File
2002-02611
Perkins
Electric
CO.

the IFF but did not attend the Board meeting. The hearing officer **Hollar** recused himself and did not vote. Upon a motion by **Redifer**, seconded by **Kirby**, the board found clear and convincing evidence that **George L Perkins** violated its regulations Effective **September 1, 2001** as follows: **Count 1: 18VAC50-22-260(B)(8); two violations. Count 2: 18 VAC 50-22-260(B)(9); two violations. Count 3: 18 VAC 50-22-260(B)(31). Count 4: 18 VAC 50-22-260(B)(30).** The motion passed with a unanimous vote. Member's voting yes was: **Burch, Falwell, Harris, Orange, Kinser, Kirby, Parrish, and Redifer.** Upon a motion by **Redifer** seconded by **Kirby** the Board voted to adopt the summary and recommendations as follows: **Count 1: 18VAC50-22-260(B)(8); two violations \$500.00 each for a total of \$1,000.00. Count 2: 18 VAC 50-22-260(B)(9); two violations \$120.00 each for a total of \$240.00. Count 3: 18 VAC 50-22-260(B)(31) \$800.00. Count 4: 18 VAC 50-22-260(B)(30)\$800.00. For a total monetary penalty of \$2,840.00 and remedial ed completion for counts 1,2,3 and 4 within six months of the signing of the order or the license will be automatically revoked. The monetary penalties must be paid within 60 days or the license will be suspended. The vote was unanimous: Members voting yes were: Burch, Falwell, Harris, Orange, Kinser, Kirby, Parrish, and Redifer. The motion was carried.**

In the matter of File Number 2002-02110, Peter J Daley t/a Pete Daley, Disciplinary Record File the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Pete Daley (Respondent) did not** appear before the board at the Board meeting or the IFF in person with counsel or by any other representative. **Mrs. Wider, (Complainant)** did not attend the IFF or the Board meeting. The hearing officer **Hollar** recused himself and did not vote. Upon a motion by **Orange**, seconded by **Burch**, the board found clear and convincing evidence that **Peter J Daley** violated its regulations Effective **September 1, 2001** as follows: **Count 1: 18VAC50-22-260(B)(30); Count 2: 18 VAC 50-22-260(B)(9).** The motion passed with a unanimous vote. Member's voting yes was: **Burch, Falwell, Harris, Orange, Kinser, Kirby, Parrish, and Redifer.** Upon a motion by **Orange** seconded by **Harris** the Board voted to adopt the summary and recommendations as follows: **Count 1: 18VAC50-22-260(B)(30); \$800.00. Count 2: 18 VAC 50-22-260(B)(9) \$250.00. For a total monetary penalty of \$1,050.00 and remedial ed completion for counts 1 and 2 within six months of the signing of the order or the license will be automatically revoked. The monetary penalties must be paid within 60 days or the license will be suspended. The vote was unanimous: Members voting yes were: Burch, Falwell, Harris, Orange, Kinser, Kirby, Parrish, and Redifer. The motion was carried.**

5 (45)
File
2002-02110
Pete Daley

In the matter of File Number 2003-01418, Russell J Adkins, Jr. t/a Russell Adkins Plumbing, Disciplinary Record File the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Russell J Adkins, Jr. (Respondent)** did not appear before the board at the Board meeting or the IFF in person with counsel or by any other representative. **Mr. Draego, (Complainant)** did not attend the IFF or the Board meeting. The hearing officer **Hollar recused himself and** did not vote. Upon a motion by **Orange**, seconded by **Parrish**, the board found clear and convincing evidence that **Russell J Adkins, Jr.** violated its 2001 regulations as follows: **Count 1: 18VAC50-22-260(B)(28)**. The motion passed with a unanimous vote. Member's voting yes was: **Burch, Falwell, Harris, Orange, Kinser, Kirby, Parrish, and Redifer**. Upon a motion by **Orange** seconded by **Parrish** the Board voted to adopt the summary and recommendations as follows: **Count 1: 18VAC50-22-260(B)(28); \$2,500.00. For a total monetary penalty of \$2,500.00 and remedial ed completion within six months of the signing of the order or the license will be automatically revoked. The monetary penalties must be paid within 60 days or the license will be suspended. The vote was unanimous: Members voting yes were: Burch, Falwell, Harris, Orange, Kinser, Kirby, Parrish, and Redifer. The motion was carried.**

5 (46)
File
2003-01418
Russell
Adkins
Plumbing

At 1:50 PM Mr. Kinser left the meeting and Mr. Falwell chaired the meeting.

Falwell
Chairing
Meeting

In the matter of File Number 2003-00797, David Garcia t/a David G Carpentry, Disciplinary Record File the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **David Garcia (Respondent)** did not appear before the board at the Board meeting or the IFF in person with counsel or by any other representative. **Mr. Bashir, (Complainant)** did not attend the IFF or the Board meeting. The hearing officer **Hollar recused himself and** did not vote. Upon a motion by **Orange**, seconded by **Kirby**, the board found clear and convincing evidence that **David Garcia** violated its 2001 regulations as follows: **Count 1: 18VAC50-22-260(B)(9). Count 2: 18VAC50-22-260(B)(28). Count 3: 18VAC50-22-260(B)(1), to wit: §54.1-1103 of the Code of Virginia.** The motion passed with a unanimous vote. Member's voting yes was: **Burch, Falwell, Harris, Orange, Kirby, Parrish, and Redifer**. Upon a motion by **Orange** seconded by **Harris** with a friendly amendment offered by **Kirby** to include license

5 (47)
File
2003-00797
David G
Carpentry

revocation for count 2 (accepted by Orange) the Board voted to adopt the summary and recommendations as follows: **Count 1: 18VAC50-22-260(B)(9); \$200.00. Count 2: 18VAC50-22-260(B)(28); \$2,500.00. Count 3: 18VAC50-22-260(B)(1); \$2,500.00.** For a total monetary penalty of \$5,200.00 and remedial ed completion for all counts to be successfully completed within six months of the signing of the order or the license will be automatically revoked. The monetary penalties must be paid within 60 days or the license will be suspended. The vote was unanimous: Members voting yes were: **Burch, Falwell, Harris, Orange, Kirby, Parrish, and Redifer.** The motion was carried.

In the matter of File Number 2003-00084, Howard Garnett, Jr. t/a American Builders Co., Disciplinary Record File the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Howard Garnett, Jr. did not** appear before the board at the Board meeting in person with counsel or by any other representative but he did attend the IFF. The hearing officer **Hollar** recused himself and did not vote. Upon a motion by **Orange** seconded by **Burch**, the board found clear and convincing evidence that **Howard Garnett, Jr.** violated its regulations as follows: **Count 1: 18VAC50-22-260(B)(18) Effective March 31, 1995. Count 2: 18 VAC50-22-260 (B)(18) Effective March 31, 1995, amended July 15, 1998. Count 3: 18VAC50-22-260(B) (22) Effective September 1, 2001.** The motion passed with a unanimous vote. Member's voting yes was: **Falwell, Harris, Orange, Kirby, Parrish, Burch and Redifer.** Upon a motion by **Kirby** seconded by **Redifer** the Board voted to adopt the sanctions for the recommendations: **Count 1: 18VAC50-22-260(B)(18) Effective March 31, 1995. Count 2: 18 VAC50-22-260 (B)(18) Effective March 31, 1995, amended July 15, 1998. Count 3: 18VAC50-22-260(B) (22) Effective September 1, 2001.** As to Counts 1,2 and 3 the Board requires **Howard Garnett, Jr.** to successfully complete the Board's Basic Contracting Licensing Class (remedial education). The Board felt by completing the course **Mr. Garnett** would have a better understanding of requirements needed as a licensed contractor. **Mr. Garnett** must complete the class within six months of the entry of the final order. **Failure to comply with the terms will result in the automatic imposition of license revocation.** The motion passed with a unanimous vote. Member's voting yes was: **Falwell, Harris, Orange, Kirby, Parrish, Burch and Redifer.** The motion was carried.

5 (48)
File
2003-00084
American
Builders
CO.

In the matter of File Number 2003-03211, Floor Center Plus Inc. t/a Carpets Plus of America Application for License; Licensing File, the

5 (49)
File

board reviewed the **Record # 2003-03211**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Floor Center Plus Inc.** appeared at the IFF but not at the Board meeting. The hearing officer **Kinser was absent and did not vote**. Upon a motion by **Burch**, seconded by **Kirby** the Board voted to grant **Floor Center Plus Inc. t/a Carpets Plus of America** a license. The motion passed with a unanimous vote. Those members voting "Yes" were: **Falwell, Harris, Burch, Redifer, Hollar, Kirby, Orange and Parrish**. The motion carried.

2003-03211
Carpets
Plus of
America

In the matter of File Number 2001-03084, **David Holland t/a Turnkey Concepts, LLC, Disciplinary Record File** the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **David Holland did not** appear before the board at the Board meeting in person with counsel or by any other representative but he did attend the IFF. The hearing officer **Kinser was absent and did not vote**. Upon a motion by **Orange**, seconded by **Kirby**, the board found clear and convincing evidence that **Turnkey Concepts, LLC** violated its 1999 regulations as follows: **Count 1: 18VAC50-22-260(B)(6)**. The vote was unanimous: Members voting yes were: **Falwell, Harris, Burch, Redifer, Hollar, Kirby, Orange and Parrish**. Upon a motion by **Kirby** seconded by **Parrish** the Board voted to adopt the recommendations for sanctions as follows: **Count 1: 18VAC50-22-260(B)(6) effective 1999; \$2,500.00 and license revocation. For a total monetary penalty of \$2,500.00. The vote was unanimous: Members voting yes were: Falwell, Harris, Burch, Redifer, Hollar, Kirby, Orange and Parrish. The motion was carried. If the penalty is not paid within sixty days from the date of this order then Turnkey Concepts' license will be suspended.**

5 (50)
File
2001-03084
Turnkey
Concepts,
LLC

In the matter of File Number 2003-03499, **Valley Homes, LLC Application to add specialties to License; Licensing File**, the board reviewed the **Record # 2003-03499**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Valley Homes, LLC**. appeared at the IFF but not at the Board meeting in person with counsel or by any other representative. The hearing officer **Kirby recused himself and did not vote**. Upon a motion by **Redifer**, seconded by **Burch** the Board voted to grant the specialties to **Valley Homes, LLC** license. The motion passed with a unanimous vote. Those members voting "Yes" were: **Falwell, Harris, Burch, Redifer, Hollar, Orange and Parrish**. The motion carried.

5 (51)
File
2003-03499
Valley
Homes,
LLC

In the matter of File Number 2003-03337, Michael David Lovern Application for License; Licensing File, the board reviewed the Record # 2003-03337, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. Michael David Lovern appeared at the IFF but not at the Board meeting in person with counsel or by any other representative. The hearing officer Kirby recused himself and did not vote. Upon a motion by Parrish, seconded by Harris the Board voted to deny the application for Michael David Lovern to obtain a Tradesman license based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in §54.1-204.B and 18 VAC 50-30-30(10). The motion passed with a "yes" vote of 5 and a "no" vote of 2. Those members voting "Yes" were: Falwell, Harris, Redifer, Hollar, and Parrish. Members voting "No" were: Burch and Orange. The motion carried and the license was denied.

**5 (52)
File
2003-03337
Michael
David
Lovern**

In the matter of File Number 2000-02733, Robert F Kessler t/a Layne Custom Homes, Inc., Disciplinary Record File the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Robert F Kessler did appear at the IFF but he did not attend the board meeting nor was he represented by counsel or by any other qualified representative. The hearing officer Kirby recused himself and did not vote. Upon a motion by Redifer, seconded by Orange, the board voted to close the case with a finding of no violation. The vote was unanimous. Members voting "yes" were: Falwell, Harris, Burch, Redifer, Hollar, Orange and Parrish.

**5 (53)
File
2000-02773
Layne
Custom
Homes, Inc.**

In the matter of File Number 2001-02201, Robert F Kessler t/a Layne Custom Homes, Inc., Disciplinary Record File the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Robert F Kessler did appear at the IFF but he did not attend the board meeting nor was he represented by counsel or by any other qualified representative. The hearing officer Kirby recused himself and did not vote. Upon a motion by Redifer, seconded by Orange, the board found clear and convincing evidence that Layne Homes, Inc. violated its March 31, 1995 regulations amended July 15, 1998 as follows: Count 1: 18VAC50-22-260(B)(8). Count 2: 18 VAC 50-22-260(B)(6). The vote was unanimous: Members voting yes were: Falwell, Harris, Burch, Redifer, Hollar, Orange and Parrish. Upon a motion by Orange seconded by Redifer the Board voted to adopt the recommendations for sanctions as follows: Count 1: 18VAC50-22-260(B)(6) effective March 31, 1995 amended July 15, 1998; \$100.00 and remedial education. Count 2: 18 VAC 50-22-260(B)(6) \$250.00.

**5 (54)
File
2001-02201
Layne
Custom
Homes, Inc.**

For a total monetary penalty of \$350.00. The vote was unanimous: Members voting yes were: Falwell, Harris, Burch, Redifer, Hollar, Kinser, Orange and Parrish. The motion was carried. If the penalty is not paid within sixty days from the date of this order then **Layne Custom Homes, Inc.**'s license will be suspended. **Layne Custom Homes, Inc.** must successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the final order. Failure to comply with the terms will result in the automatic imposition of license revocation.

In the matter of File Number 2001-00882, Robert F Kessler t/a Layne Custom Homes, Inc., Disciplinary Record File the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Robert F Kessler did** appear at the IFF but he did not attend the board meeting nor was he represented by counsel or by any other qualified representative. The hearing officer **Kirby recused himself and did not** vote. Upon a motion by **Orange**, seconded by **Redifer**, the board found clear and convincing evidence that **Layne Homes, Inc.** violated its **March 31, 1995 regulations amended July 15, 1998** as follows: **Count 1: 18VAC50-22-260(B)(8). Count 2: 18 VAC 50-22-260(B)(6).** The vote was unanimous: Members voting yes were: **Falwell, Harris, Burch, Redifer, Hollar, Orange and Parrish.** Upon a motion by **Orange** seconded by **Burch** the Board voted to adopt the recommendations for sanctions as follows: **Count 1: 18VAC50-22-260(B)(6) effective March 31, 1995 amended July 15, 1998; \$100.00 and remedial education. Count 2: 18 VAC 50-22-260(B)(6) \$250.00.** **For a total monetary penalty of \$350.00. The vote was unanimous: Members voting yes were: Falwell, Harris, Burch, Redifer, Hollar, Orange and Parrish.** The motion was carried. If the penalty is not paid within sixty days from the date of this order then **Layne Custom Homes, Inc.** license will be suspended. **Layne Custom Homes, Inc.** must successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the final order. Failure to comply with the terms will result in the automatic imposition of license revocation.

5 (55)
File
2001-00882
Layne
Custom
Homes, Inc.

In the matter of File Number 2002-003519, Michael Clayton Greer t/a Timberland Construction, Disciplinary Record File the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Michael Clayton Greer did not** appear at the IFF or the board meeting nor was he represented by counsel or by any other qualified representative. The hearing officer **Parrish recused herself and did not**

5 (56)
File
2002-03519
Timberland
Constructio
n

vote. Upon a motion by **Burch**, seconded by **Redifer**, the board found clear and convincing evidence that **Timberland Construction** violated its 1999 regulations as follows: **Count 1: 18VAC50-22-260(B)(14)**. The vote was unanimous: Members voting yes were: **Falwell, Harris, Burch, Redifer, Hollar and Orange**. Upon a motion by **Redifer** seconded by **Burch** the Board voted to adopt the recommendations for sanctions as follows: **Count1: 18VAC50-22-260(B)(6) 1999 Regulations; \$2,500.00. For a total monetary penalty of \$2,500.00. The vote was unanimous: Members voting yes were: Falwell, Harris, Burch, Redifer, Hollar, and Orange**. The motion was carried. If the penalty is not paid within sixty days from the date of this order then **Layne Custom Homes, Inc.** license will be suspended.

In the matter of File Number 2003-03167, **William Boozer, III (Respondent) t/a Fieldstone Construction, Inc., Disciplinary Record File** the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **William Boozer, III** did not appear at the board meeting or the IFF and he was not represented by counsel or any or qualified representative. The hearing officer **Parrish** recused herself and did not vote. Upon a motion by **Kirby**, seconded by **Hollar** the board found clear and convincing evidence that **Fieldstone Construction, Inc.** violated its 1999 regulations as follows: **Count 1: 18VAC50-22-260(B)(12) effective 1999. Count 2: 18VAC50-22-230(A) effective 1999**. The vote was unanimous: Members voting yes were: **Falwell, Harris, Burch, Redifer, Hollar, Kirby and Orange**. Upon a motion by **Harris** seconded by **Redifer** the Board voted on adopting the recommendations for sanctions as follows: **Count 1: 18VAC50-22-260(B)(12); \$2,500.00 and license revocation. Count 2: 18VAC50-22-260(12); \$2,500.00 and license revocation. The motion passed with a unanimous "yes" vote. Members voting were: Falwell, Harris, Hollar, Redifer, Kirby, Burch and Orange**. . If the penalties are not paid within 60 days of the date of the order then the license will be automatically suspended. **The motion passed.**

5 (57)
File
2003-03167
Fieldstone
Constructio
n, Inc.

In the matter of File Number 2003-02511, **William Boozer, III t/a Fieldstone Construction, Inc., Disciplinary Record File** the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. William Boozer, III (respondent)** did not appear before the board nor did he attend the IFF and he was not represented by counsel or by any other qualified representative. The hearing officer **Parrish** recused herself and did not vote. Upon a motion by **Orange** seconded by **Redifer** the board found clear and convincing evidence that **Fieldstone**

5 (58)
File
2003-02511
Fieldstone
Constructio
n, Inc.

Construction, Inc., violated its 2001 regulations as follows: Count 1: 18VAC50-22-260(B)(28). The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Burch, Kirby, Orange and Redifer. Upon a motion by Harris seconded by Burch the Board voted to adopt the recommendations for sanctions as follows: Count 1: 18VAC50-22-260(B)(28); \$2,500.00 and license revocation. For a total monetary penalty of \$2,500.00. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Burch, Kirby, Orange and Redifer. The motion was carried. If the penalty is not paid within sixty days from the date of this order then Fieldstone Construction, Inc.'s license will be suspended. The motion passed.

In the matter of File Number 2002-02857, Stewart L Davis t/a Stewart L Davis, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Stewart L Davis (Respondent) did not appear at the board meeting or the IFF and he was not represented by counsel or by any other qualified representative. The hearing officer Parrish recused herself and did not vote. Upon a motion by Harris seconded by Burch the board found clear and convincing evidence that Stewart L Davis violated its 2001 regulations as follows: Count 1: 18VAC50-22-230(A). Count 2: 18VAC50-22-260(B)(9). Count 3: 18VAC50-22-260(B)(25). Count 4: 18 VAC50-22-260(B)(30). Count 5: 18VAC 50-22-260(B)(5). The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Burch, Kirby, Orange and Redifer. Upon a motion by Burch seconded by Kirby the Board voted to impose the following sanctions: Count 1: 18VAC50-22-230(A); \$250.00. Count 2: 18VAC50-22-260(B)(9); \$250.00. Count 3: 18VAC50-22-260(B)(25); \$500.00. Count 4: 18 VAC50-22-260(B)(30); \$2,500.00. As to Count 5: 18VAC 50-22-260(B)(5), the Board closed this aspect of the file with a finding of no violation. If the penalty is not paid within sixty days from the date of this order then Stewart L Davis' license will be suspended. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Burch, Kirby, Orange and Redifer. The motion passed.

5 (59)
File
2002-02857
Stewart L
Davis

In the matter of File Number 2003-00576, Michael Clayton Greer (Respondent), Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Michael Clayton Greer (Respondent) did not appear at the IFF nor the board meeting and he was not represented by counsel or by any other qualified representative. The hearing officer Parrish recused herself and did not

5 (60)
File
2003-00576
Timberland
Constructio
n

vote. Upon a motion by Kirby seconded by Orange the board found clear and convincing evidence that Michael Clayton Greer violated its regulations as follows: **Count 1: 18VAC50-22-260(B) effective May 1, 1999. Count 2: 18 VAC50-22-260(B)(22) (Effective September 1, 2001.** The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Burch, Kirby, Orange and Redifer. Upon a motion by Harris seconded by Redifer the Board voted to adopt the recommendation for sanctions as follows: **Count 1: 18VAC50-22-260(B) ; \$2,500.00. Count 2: 18 VAC50-22-260(B)(22) ; \$500.00.** The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Burch, Kirby, Orange and Redifer. The motion carried. If the penalty is not paid within sixty days from the date of this order then Michael Clayton Greer's license will be suspended.

In the matter of File Number 2004-000287, William Boozer, III t/a Fieldstone Construction, Inc, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. William Boozer, III (Respondent) did not** appear at the board meeting or the IFF and he was not represented by counsel or by any other qualified representative. The hearing officer Parrish recused herself and did not vote. Upon a motion by Redifer seconded by Kirby the board found clear and convincing evidence that Fieldstone Construction, Inc., violated its regulations as follows: **Count 1: 18VAC50-22-260(B) (28) effective 2001.** The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Burch, Kirby, Orange and Redifer. Upon a motion by Kirby seconded by Orange the Board voted to adopt the recommendation for sanctions as follows: **Count 1: 18VAC50-22-260(B)(28); \$2,500.00. and license revocation.** If the penalty is not paid within sixty days from the date of this order then **Mr. Boozer's license** will be suspended. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Burch, Kirby, Orange and Redifer.

5 (61)
FILE
2004-00287
David G
Moore, Jr.

In the matter of File Number 2003-00053, Jonah Green t/a, Sore Thumb Builders, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Jonah Green (Respondent)** appeared at the IFF but he was not at the board meeting and he was not represented by counsel or by any other qualified representative. **Mrs. Carolyn Barley (Complainant) did not** appear at the IFF or the Board meeting and she was not represented by counsel or by any other qualified representative. The hearing officer Parrish

5 (62)
File
2003-00053
Jonah
Green

recused herself and did not vote. Upon a motion by **Orange** seconded by **Harris** the board found clear and convincing evidence that **Jonah Green** violated its 2001 regulations as follows: **Count 1: 18VAC 50-22-260(B)(8). Count 4: 18VAC 50-22-260(B) (6).** The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Burch, Kirby, Orange and Redifer.** Upon a motion by **Kirby** seconded by **Burch** the Board voted on adopting the recommendations for sanctions as follows: **Count 1: 18VAC 50-22-260(B)(8); \$250.00. Count 2: 18VAC 50-22-260(B) (6); \$500.00.** As to 18 VAC 50-22-260(B)(15), **Count 2,** and 18 VAC 50-22-260(B)(16), **Count 3** the Board closed this aspect of the file with a finding of no violation. If the penalty is not paid within sixty days from the date of this order then **Mr. Jonah Green's** license will be suspended. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Burch, Kirby, Orange and Redifer.** The motion passed.

In the matter of File Number 2003-00019, **Raymond A Horton, Jr. t/a, Cherry Hill Contracting, Disciplinary Record File** the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Raymond A Horton, Jr. (Respondent)** did not appear at the board meeting or the IFF and he was not represented by counsel or by any other qualified representative. **Duan and Sharon Ames (Complainant)** did not appear at the IFF or the Board meeting. The hearing officer **Parrish** recused herself and did not vote. Upon a motion by **Orange** seconded by **Kirby** the board found clear and convincing evidence that **Raymond A Horton, Jr.** violated its 2001 regulations as follows: **Count 1: 18VAC 50-22-260(B)(16). Count 2: 18VAC 50-22-260(B) (28). Count 3: 18VAC 50-22-260(B)(13). Count 4: 18 VAC 50-22-260(B)(6). Count 5: 18 vac 50-22-260(b)(9)(A)(D)(E)(F)(H)(I)** The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Burch, Kirby, Orange and Redifer.** Upon a motion by **Kirby** seconded by **Redifer** the Board voted on adopting the recommendations for sanctions as follows: **Count 1: 18VAC 50-22-260(B)(16); \$2,500.00. Count 2: 18VAC 50-22-260(B) (28);\$2,500.00. Count 3: 18VAC 50-22-260(B)(13);\$1,000.00. Count 4: 18 VAC 50-22-260(B)(6);\$250.00. Count 5: 18 VAC 50-22-260(b)(9)(A)(D)(E)(F)(H)(I); \$300.00 and license revocation for Count 1,2 and 3.** If the penalty is not paid within sixty days from the date of this order then **Mr. Horton's** license will be suspended. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Burch, Kirby, Orange and Redifer.** The motion passed.

5 (63)
File
2003-00019
**Raymond A
Horton, Jr.**

In the matter of File Number 2002-00416, Board v. Sears, Roebuck and Co. the board reviewed the Consent Order# 2003-0099. **Sears, Roebuck and Co.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Burch** seconded by **Redifer** the board ratified the consent order which imposed a monetary penalty of \$1,000.00 The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Sears, Roebuck and Co. license will be automatically suspended.**

6 (1)
File
2002-00416
Sears,
Roebuck
and Co.

In the matter of File Number 2002-00857, Board v. Robert Howard Dunnigan, the board reviewed the Consent Order# 2003-0212. **Robert Howard Dunnigan** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Burch** seconded by **Redifer** the board ratified the consent order which imposed a monetary penalty of \$100.00. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Robert Howard Dunnigan's license will be automatically suspended.**

6 (2)
File
2002-00857
Robert
Howard
Dunnigan

In the matter of File Number 2002-01804, Board v. RAA Heating & Air Conditioning Inc. the board reviewed the Consent Order# 2004-0052. **RAA Heating & Air Conditioning Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Burch** seconded by **Redifer** the board ratified the consent order which imposed a monetary penalty of \$500.00 The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, RAA Heating & Air Conditioning Inc.'s license will be automatically suspended.**

6 (3)
File
2002-01804
RAA
Heating &
Air
Conditionin
g Inc.

In the matter of File Number 2002-01805, Board v. Ray A Alequin, the board reviewed the Consent Order# 2004-0053. **Ray A Alequin** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Burch** seconded by **Redifer** the board ratified the consent order which imposed a monetary penalty of

6 (4)
File
2002-01805
Ray A
Alequin

\$500.00 The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Ray A Alequin's license will be automatically suspended.**

In the matter of File Number 2002-02839, Board v. Darryl M Vaughan t/a Vaughan's Custom Cabinets & Homes the board reviewed the Consent Order# 2003-0219. **Darryl M Vaughan** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Burch** seconded by **Redifer** the board ratified the consent order which imposed a monetary penalty of \$1,500.00 and successful completion of the Board's Basic Contractor Licensing Class (Remedial Education). The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Darryl M Vaughan's license will be automatically suspended. If remedial education is not successfully completed within six months of the date of the order then Darryl M Vaughan's license will be automatically suspended.**

6 (5)
File
2002-02839
Darryl M
Vaughan

In the matter of File Number 2003-00109, Board v. John C Geigle t/a Complete Home Repairs the board reviewed the Consent Order# 2004-0024. **John C Geigle** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Burch** seconded by **Redifer** the board ratified the consent order which imposed **Geigle** must satisfy the \$2,000.00 judgment to Cash within ninety days from the effective date of this order and provide proof of satisfaction to the Board. Failure to satisfy the judgment will result in the automatic revocation of **Geigle's** license. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes.

6 (6)
File
2003-00109
Complete
Home
Repairs

In the matter of File Number 2003-00169, Board v. Ritchie Home Improvement & Carpentry Inc the board reviewed the Consent Order# 2004-0050. **Ritchie Home Improvement & Carpentry Inc** was represented at the board meeting by counsel, William H Schell, Jr. He addressed the Board indicating his client's agreement with the

6 (7)
File
2003-00169
Ritchie
Home

consent order. Upon a motion by Falwell seconded by Redifer the board ratified the consent order which imposed a monetary penalty of \$250.00 and successful completion of the Boards Basic Contractor Licensing Class. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Ritchie Home Improvement & Carpentry Inc.'s license will be automatically suspended. If the remedial ed class is not complete within 6 months of the date of the Consent Order then Ritchie Home Improvement & Carpentry Inc.'s license will be suspended.**

Improvement & Carpentry Inc

In the matter of File Number 2003-00223, Board v. Ritchie Home Improvement & Carpentry Inc the board reviewed the Consent Order# 2004-0051. **Ritchie Home Improvement & Carpentry Inc** was represented at the board meeting by counsel, William H Schell, Jr. He addressed the Board indicating his client's agreement with the consent order. Upon a motion by Falwell seconded by Redifer the board ratified the consent order which imposed a monetary penalty of \$250.00 and successful completion of the Boards Basic Contractor Licensing Class. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Ritchie Home Improvement & Carpentry Inc.'s license will be automatically suspended. If the remedial ed class is not complete within 6 months of the date of the Consent Order then Ritchie Home Improvement & Carpentry Inc.'s license will be suspended.**

**6 (8)
File
2003-00223
Ritchie
Home
Improvement & Carpentry Inc.**

In the matter of File Number 2003-00363, Board v. Michael Smith Inc. t/a Thomas Michael Smith Inc. the board reviewed the Consent Order# 2004-0003. **Thomas Michael Smith Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Redifer seconded by Burch the board ratified the consent order which imposed a monetary penalty of \$250.00 and successful completion of the Boards Basic Contractor Licensing Class. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Thomas Michael Smith Inc.'s license will be automatically suspended. If the remedial ed**

**6 (9)
File
2003-00363
Thomas
Michael
Smith Inc.**

class is not complete within 6 months of the date of the Consent Order then Thomas Michael Smith Inc.'s license will be suspended.

In the matter of File Number 2003-00478, Board v. Cross Builders t/a Cross Builders, Inc. & NV Homes Inc. the board reviewed the Consent Order# 2004-0016. Cross Builders, Inc. & NV Homes Inc. did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Redifer seconded by Burch the board ratified the consent order which imposed a monetary penalty of \$1,000.00. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Cross Builders, Inc. & NV Homes Inc.'s license will be automatically suspended.

6 (10)
File
2003-00478
Cross
Builders,
Inc. & NV
Homes Inc.

In the matter of File Number 2003-00773, Board v. John C Geigle t/a Complete Home Repairs, the board reviewed the record, which consisted of the Consent Order # 2004-0023 John C Geigle (Respondent) and David Bottenfield,(Complainant) both attended the IFF. The hearing officer Falwell recused himself and did not vote. Orange chaired this case. Upon a motion by Redifer seconded by Burch the Board ratified the Consent order as follows: for Count 1, Geigle agrees to satisfy the \$3,200.00 judgment within one year from the effective date of this order and provide proof of satisfaction to the Board for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(28). Count 2, he agrees to satisfy the \$3,800.00 judgment within one year from the effective date of this order and provide proof of satisfaction the Board for violation of the Board's 2001 Regulation 18 VAC 50-22-260 (B) (28). Count 3, no sanction for violation of the Board's 2001 Regulation. Count 4, no sanction for violation of the Board's 2001 regulation 18 VAC 50-22-260(B)(16) for a total of \$7,000.00 to be paid in judgments. John C Geigle acknowledges that the judgment must be paid within one year days of the date of this order or Complete Home Repairs' license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Harris, Redifer, Burch, Parrish, Orange, Kirby and Hollar.

6 (11)
File
2003-00773
Complete
Home
Repairs

In the matter of File Number 2003-00856, Board v. Susan Carole Riggs t/a Windows Unlimited & Custom Remodeling the board reviewed the Consent Order # 2003-0183 Susan Carole Riggs did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Redifer seconded by Burch

6 (12)
File
2003-00856
Windows
Unlimited

the Board ratified the Consent order which imposed a monetary penalty of \$500.00 and successful completion of the Board's Basic Contractor Licensing Class (remedial education). Susan Carole Riggs acknowledges that the penalty must be paid within thirty days of the order or Windows Unlimited & Custom Remodeling license will be suspended. Susan Carole Riggs must successfully complete of the Board's Remedial Ed class within six months of the signing of the order or Windows Unlimited & Custom Remodeling's license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Harris, Redifer, Falwell, Parrish, Burch, Orange, Kirby and Hollar.

**& Custom
Remodeling**

In the matter of File Number 2003-00944, Board v. John Manganas, t/a Manganas Painting Co Inc., the board reviewed Consent Order # 2004-0007 Manganas Painting Co Inc did not appear at the Board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Redifer seconded by Burch the Board ratified the Consent order which imposed a monetary penalty of \$500.00 and Remedial Education. John Manganas acknowledges that the penalty must be paid within thirty days of the order or Manganas Painting Co Inc.'s license will be suspended. John Manganas must successfully complete of the Board's Remedial Ed class within six months of the signing of the order or Manganas Painting Co Inc.'s license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Harris, Redifer, Orange, Falwell, Parrish, Burch, Kirby and Hollar.

**6 (13)
File
2003-00944
Manganas
Painting Co
Inc.**

In the matter of File Number 2003-00974, Board v. Lawrence P Shipp, Jr., t/a Shipp Lawrence P Jr., the board reviewed Consent Order # 2000-0172 Shipp Lawrence P Jr. did not appear at the Board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Redifer seconded by Burch the Board ratified the Consent order which imposed a monetary penalty of \$600.00 and Remedial Education (with a reduction of \$250.00 + \$150.00 for successful completion of the Remedial Ed class). Lawrence P Shipp, Jr. acknowledges that the penalty must be paid within thirty days of the order or Shipp Lawrence P Jr's license will be suspended. Lawrence P Shipp, Jr. must successfully complete of the Board's Remedial Ed class within six months of the signing of the order or Shipp Lawrence P Jr.'s license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Harris, Redifer, Falwell, Orange, Parrish, Burch, Kirby and Hollar.

**6 (14)
File
2003-00974
Shipp
Lawrence P
Jr.**

In the matter of File Number 2003-01151, Board v. Donald Edward Hanchey, Sr., the board reviewed the record, which consisted of the Consent Order # 2004-0027 **Donald Edward Hanchey, Sr.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Burch** the Board ratified the Consent order imposing a **monetary penalty of \$1,000.00 and remedial education completion.** **Donald Edward Hanchey, Sr.** acknowledges that the penalty must be paid within thirty days of the order or **his** license will be suspended. **Donald Edward Hanchey, Sr.** must **successfully complete the Board's Remedial Ed class within six months of the signing of the order or his license will be suspended.** The motion passed with a unanimous vote. Members voting "Yes" were Harris, Redifer, Falwell, Orange, Parrish, Burch, Kirby and Hollar.

6 (15)
File
2003-01151
Donald
Edward
Hanchey,
Sr.

In the matter of File Number 2003-00157, Board v. Robert L Smith t/a R & B Plumbing & Heating, the board reviewed the record, which consisted of the Consent Order # 2004-0054 **Robert L Smith** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Burch** the Board ratified the Consent order imposing a **monetary penalty of \$500.00 and remedial education completion.** **Robert L Smith** acknowledges that the penalty must be paid within thirty days of the order or **his** license will be suspended. **Robert L Smith** must **successfully complete the Board's Remedial Ed class within six months of the signing of the order or his license will be suspended.** The motion passed with a unanimous vote. Members voting "Yes" were Harris, Redifer, Orange, Falwell, Parrish, Burch, Kirby and Hollar

6 (16)
File
2003-00157
R & B
Plumbing &
Heating

In the matter of File Number 2003-01222, Board v. Robert L Smith t/a R & B Plumbing & Heating, the board reviewed the record, which consisted of the Consent Order # 2004-0055 **Robert L Smith** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Burch** the Board ratified the Consent order imposing a **monetary penalty of \$250.00 and remedial education completion.** **Robert L Smith** acknowledges that the penalty must be paid within thirty days of the order or **his** license will be suspended. **Robert L Smith** must **successfully complete the Board's Remedial Ed class within six months of the signing of the order or his license will be suspended.** The motion passed with a unanimous vote. Members voting "Yes" were Harris, Redifer, Orange, Falwell, Parrish, Burch, Kirby and Hollar.

6 (17)
File
2003-01222
R & B
Plumbing &
Heating

In the matter of File Number 2003-01248, James P Mayer t/a JP Mayer Carpentry Co, the board reviewed the record, which consisted of the Consent Order # 2003-0223 **James P Mayer** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Burch** the Board ratified the Consent order imposing a monetary penalty of \$450.00 and successful completion of the Board's Basic Contracting Licensing Class. **James P Mayer** acknowledges that the penalty must be paid within thirty days of the order or his license will be suspended. **James P Mayer** must successfully complete the Board's Remedial Ed class within six months of the signing of the order or his license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Harris, Falwell, Redifer, Orange, Parrish, Burch, Kirby and Hollar

6(18)
File
2003-01248
J P Mayer
Carpentry
Co

In the matter of File Number 2003-01318, Board v. Road Runner Enterprises t/a New Millennium Builders/Roadrunner Paving, the board reviewed the record, which consisted of the Consent Order # 2004-0045 **Roadrunner Enterprises** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Burch** the Board ratified the Consent order imposing a monetary penalty of \$850.00 and remedial ed. **Road Runner Enterprises** acknowledges that the penalty must be paid within thirty days of the order or **Road Runner Enterprises'** license will be suspended. **Carl Adenauer, President** must successfully complete the Board's Remedial Ed class within six months of the signing of the order or **Roadrunner Enterprises'** license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Harris, Redifer, Falwell, Orange, Parrish, Hollar, Burch, Kirby and Falwell.

6 (19)
File
2003-01318
Road
Runner
Enterprises

In the matter of File Number 2003-01452 Board v. Andrew W Lee, President t/a Tiny House Company, LLC, the board reviewed the record, which consisted of the Consent Order # 2004-0012 **Andrew W Lee** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Kirby** the Board ratified the Consent order imposing a monetary penalty of \$100.00 and remedial education. **Andrew W Lee** acknowledges that the penalty must be paid within thirty days of the order or **Tiny House Company LLC's** license will be suspended. **Andrew W Lee** must successfully complete the Board's Remedial Ed class within six months of the signing of the order or **Tiny House**

6 (20)
File
2003-01452
Tiny House
Company
LLC

Company LLC's license will be suspended. The vote was unanimous. Members voting "Yes" were Harris, Falwell, Redifer, Orange, Parrish, Burch, Kirby and Hollar.

In the matter of File Number 2003-01500, Board v. William L Madison Jr. t/a Bill Madison Masonry Contractor the board reviewed the Consent Order# 2004-0059. **Bill Madison Masonry Contractor** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Burch** the board ratified the consent order which imposed a monetary penalty of \$250.00. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Bill Madison Masonry Contractor's license will be automatically suspended.**

6 (21)
File
2003-01500
Bill
Madison
Masonry
Contractor

In the matter of File Number 2003-01526, Board v. Salem M Eways Inc., the board reviewed the record, which consisted of the Consent Order # 2004-0040 **Salem M Eways Inc** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Burch** the Board ratified the Consent order imposing a monetary penalty of \$500.00 and successful completion of the Basic Contracting License Class within six months of the signing of this order. **Salem M Eways** acknowledges that the penalty must be paid within thirty days of the order or **his** license will be suspended. **Salem M Eway must successfully complete the Board's Remedial Ed class within six months of the signing of the order or his license will be suspended.** The motion passed with a unanimous vote. Members voting "Yes" were Harris, Redifer, Burch, Falwell, Parrish, Kirby and Hollar.

6 (22)
File
2003-01526
Salem M
Eways Inc.

In the matter of File Number 2003-01690, Board v. Thaddus Stephen Puzio , the board voted to remand this case to the next board meeting for hearing. Thaddus Stephen Puzio did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Burch** the Board voted to remand the case to the November 19, 2003 Board Meeting. The motion passed with a unanimous vote. Members voting "Yes" were Harris, Redifer, Burch, Falwell, Parrish, Kirby and Hollar.

6 (23)
File
2003-01690
Thaddeus
Stephen
Puzio

In the matter of File Number 2003-01691, Board v. Thaddeous Puzio t/a Southern States Electric Company Inc. the board reviewed the Consent Order# 2004-0011. **Thaddeous Puzio** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Burch** the board ratified the consent order which imposed a penalty as follows: If Southern States Electric Company Inc is not convicted in any state or city of any felony or misdemeanor involving the practice of contracting for a period of one year from the effective date of this order. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the order is not honored within the specified time period Thaddeous Puzio's license will be suspended.**

6 (24)
File
2003-01691
Southern
States
Electric
Company
Inc

In the matter of File Number 2003-01465, Board v. Winsor L Ward, Jr. t/a Quality Homes & Improvements the board reviewed the Consent Order# 2004-0019. **Quality Homes & Improvements** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Burch** the board ratified the consent order which imposed a monetary penalty of \$1,250.00 and successful completion of the Board's Remedial Ed class. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Winsor L Ward's license will be automatically suspended. If the Remedial Ed class is not completed within six months of the signing of this order then Winsor L Ward's license will be automatically suspended.**

6 (25)
File
2003-01765
Quality
Homes &
Improve
nts

In the matter of File Number 2004-00263, Board v. Michael Ogle, President t/a Central VA Plumbing & Heating, Inc. the board reviewed the Consent Order# 2004-0036. **Michael Ogle** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Burch** the board ratified the consent order which imposed a monetary penalty of \$500.00 and remedial education. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Michael Ogle's license will be automatically suspended. If the Basic Contractor's licensing class has not been successfully completed**

6 (26)
File
2004-00263
Central VA
Plumbing &
Heating,
Inc.

within six months of the signing of the order then Michael Ogel's license.

In the matter of File Number 2004-00316, Board v. Deborah Jackson, t/a Rick Carney Irrigation, Inc.. the board reviewed the Consent Order# 2004-0038. Deborah Jackson did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Redifer seconded by Burch the board ratified the consent order which imposed a monetary penalty of \$1,500.00 and remedial education. The vote was unanimous: Members voting yes were: Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer. There were no negative votes. **If the fine is not paid within 30 days of the effective date of the Consent Order, Deborah Jackson's license will be automatically suspended. If the Basic Contractor's licensing class has not been successfully completed within six months of the signing of the order then Deborah Jackson license.**

6 (27)
File
2004-00316
Rick
Carney
Irrigation,
Inc.

Eric Olson spoke to the Board members briefly concerning the recent hurricane and the agency's anti-fraud efforts initiated as a direct result of Hurricane Isabel.. He shared some of the agencies logistical preparation to assist the consumers and the contractors and he discussed the governor's Emergency Management Assistance Compact. He also provided the members with an overview of Executive Order #56. Mr. Olson shared that staff from DPOR was interviewed by local TV stations as well as driving to Norfolk to participate in a "hurricane call in show". This participation allowed the agency to disseminate information to the public at large. DPOR staff also sent out special mailings and prepared special field issuance kits for Class C Contractor Licenses.

Hurricane
Update

Mr. Olson asked the Board members to complete their direct deposit form and turn it in to Ms. Watkins for processing. This will enable them to get their payments quicker.

Direct
Deposit

The Board reviewed the Recovery Fund Statements for July of 2003

Recovery
Fund
Reports

Mr. Olson presented the Remedial Education Report prepared by the Examination Section of the Agency and reminded them they each had a copy for their records.

Remedial
Education
Report

copy for their records.

Report

The Board approved the 2004 revisited meeting schedule and changed the meeting dates from Wednesday to Tuesdays with a motion offered by Redifer and seconded by Falwell. The vote was unanimous. Members voting yes were: Parrish, Falwell, Orange, Hollar, Harris, Redifer and Kirby.

2004
Meeting
Schedule
Revisited

Michael Redifer publicly commended the Board for Contractors on their excellent work during the hurricane.

**New
Business**

Charles Falwell reminded the board members to complete their travel vouchers and Conflict of Interest forms and to give them to Sheila Watkins at the end of the meeting for processing.

**Completion
of
Paperwork**

There being no further business to come before the board, the meeting was adjourned upon a motion by Redifer and seconded by Parrish. The vote was unanimous. Members voting yes were, Harris, Parrish, Hollar, Kirby, Orange, Falwell and Redifer at 3:08 p.m.

**Adjourn
ment**



Mark D. Kinser, Chairman



Louise Fontaine Ware, Secretary

Copy teste:

Custodian of the Record

STATE AND LOCAL GOVERNMENT

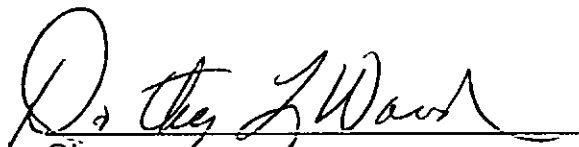
CONFLICT OF INTEREST ACT

1. Name: **Dorothy Wood**
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- ☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

November 19, 2003
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

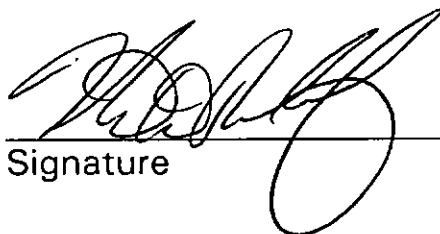
1. Name: Michael D. Redifer
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

UBLDA, UPMIA, IAEI, ILC, NFPA

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

November 19, 2003
Date

STATE AND LOCAL GOVERNMENT


CONFLICT OF INTEREST ACT

1. Name: William A. Paulette
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

November 19, 2003
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: David O. Harris, Sr.
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

November 19, 2003
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Robert M. Kirby
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

POB. D.E. Kirby, Inc.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D.E. Kirby, Inc., Builders & Contractors Assn.,
AGC of Virginia

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Robert M. Kirby
Signature

November 19, 2003
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Charles W. Falwell
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

NA

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- ☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Charles W. Falwell

Signature

November 19, 2003
Date

STATE AND LOCAL GOVERNMENT


CONFLICT OF INTEREST ACT

1. Name: Mark D. Kinser
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

November 19, 2003
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

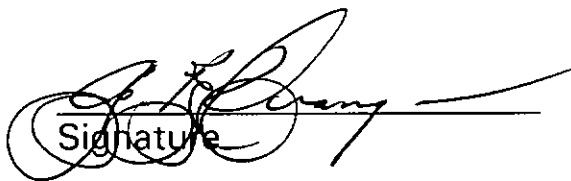
1. Name: Anthony R. Orange
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

L.L. 666 T.B.E.W

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

November 19, 2003
Date


STATE AND LOCAL GOVERNMENT

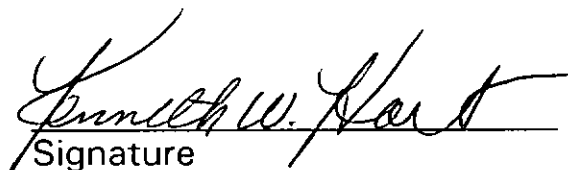
CONFLICT OF INTEREST ACT

1. Name: Kenneth W. Hart
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

-  (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

November 19, 2003
Date